

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TELEBRANDS CORP.,

Plaintiff,

-v-

HEFEI MIKEDE MAGNETIC POWER CO., LTD. d/b/a :
NEOACT,

Defendant.
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22 Civ. 2922 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

Plaintiff has moved for a temporary restraining order (“TRO”) against Defendant. By 8:00 p.m. today, April 12, 2022, Plaintiff shall file a letter addressing whether it is seeking *ex parte* TRO and, if so, explaining why an *ex parte* TRO is warranted given that (1) the Complaint was publicly filed on April 8, 2022, Dkt. 1, (2) the TRO does not seek to attach and freeze any of Defendant’s assets or alleged contraband, and (3) after publicly filing the Complaint, Plaintiff waited until April 12, 2022 to move for a TRO. *See* Fed. R. Civ. P. 65(b)(1) (“The court may issue a temporary restraining order without written or oral notice to the adverse party or its attorney only if . . . (A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and (B) the movant’s attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.”).

Assuming that Plaintiff does not file the aforementioned submission by 8:00 p.m. this evening, or otherwise does not make the necessary showing for *ex parte* relief, the parties shall appear for a telephonic hearing on Plaintiff’s application for a TRO on April 14, 2022 at 3:00 p.m.

At the scheduled time, counsel for all parties should call (866) 434-5269, access code 9176261. If, however, Plaintiff makes the necessary the necessary showing for an *ex parte* TRO, the Court will file a separate order, *ex parte* and under seal, setting a date and time for the TRO hearing.

Moreover, again assuming that Plaintiff does not file the aforementioned submission by 8:00 p.m. this evening, or otherwise does not make the necessary showing for *ex parte* relief, Plaintiff shall immediately serve a copy of this Order, along with the Complaint, Dkt. 1, and the papers in support of its motion for a TRO, including the motion, Dkt. 11, the memorandum of law in support, Dkt. 12, the declarations from Bala Iyer and Danielle S. Futterman, Dkts. 13-14, and the proposed TRO, Dkt. 15, on Defendant through the alternative service methods outlined in its Proposed TRO. *See* Dkt. 15 at 6-7. In such case, Plaintiff shall file proof of service on the docket by April 13, 2022.

SO ORDERED.

Dated: April 12, 2022
New York, New York



JOHN P. CRONAN
United States District Judge